In the High Court of Uttaranchal, at Nainital.

W.P. No. 878/2004 (M/S)

Sanjay Kumar Sahi ……. Petitioner.

Vs.

Principal Judge, Family Court, Dehradun and another …….. Respondents.

Dated: 17-9-2004

Hon'ble Rajesh Tandon, J.

By means of present of writ petition the petitioner has prayed for issue of a writ of mandamus commanding the Principal Judge, Family Court, Dehradun, the respondent no.1 to decide the suit No. 679 of 2002 Sanjay Kumar vs. Smt. Vasundhara Devi expeditiously.

Briefly stated the facts of the caser are that the marriage between the petitioner and the respondent no.2 was solemnized on 21.4.2000. According to the petitioner the respondent no.2 left the house of the petitioner on 19-6-2002 and since then the parties are living separately. The petitioner has filed a suit under section 13 of The Hindu Marriage Act and the respondent No.2 has also filed an application under section 24 of the Hindu Marriage Act for interim alimony. She also instituted proceedings under section 125 Cr.P.C. and she was awarded Rs. 6000/- as maintenance in these proceedings. The principal Judge, Family Court also awarded Rs. 2000/- per month as interim alimony U/s 24 of the Hindu Marriage Act. This Court on preferring revision by the petitioner directed that consolidated amount of Rs. 6000/- shall be paid to the respondent no.2 instead of Rs. 6000/- plus 2000/-. The petitioner is regularly paying the maintenance amount to the respondent no.2. It has been alleged that neither the application U/s 24 of Hindu Marriage Act not the suit itself has been decided.

The limited prayer of the petitioner is that both suit as well as the interim maintenance applicant may be directed to be disposed of expeditiously.

The Principal Judge, Family Court, Dehradun is directed to dispose the suit itself within a period of six months from the date of filing of the certified copy of this order.

Subject to the aforesaid observation, the writ petition is disposed of.

(Rajesh Tandon, J.)

ISB